

Mobile home park living

Many people have found that living in a mobile home park suits their way of life. To ensure the well-being of these communities in Wisconsin, mobile home park residents have rights and responsibilities. If you are a resident of a mobile home park or are considering purchasing a mobile home, you should know about them.

Buying

In Wisconsin there is a shortage of mobile home sites in our major cities. Without a convenient site, the value of a mobile home can be drastically diminished. The closing on a mobile home should not occur until after the buyer's application for tenancy has been approved by the park operator.

Although a park operator may also sell new and used homes, under the law, the

prospective tenant is free to shop around. A park operator may neither require a prospective tenant to purchase a home from the operator nor represent that the purchaser of a home from the operator will gain an advantage over others in obtaining a rental site in the park. Entrance and exit fees are prohibited.

Leases

Park operators must offer tenants yearly leases, although a tenant may choose a month-to-month lease if it is also offered. A tenancy can be terminated by the park operator for refusal to sign a lease.

Month-to-month tenancies can be terminated with greater speed by either the landlord or the tenant. Also, under Wisconsin's landlord-tenant law, it may be somewhat easier for a landlord to

evict a month-to-month tenant's home from a park. Again, because of the shortage of sites and the strict entrance requirements at some parks, the value of a mobile home on the street is often thousands less than the same home located in a mobile home park.

Protection

Tenants generally have more protection from termination by the landlord if they have a yearly lease. They are also protected against rent increases and other changes during the entire term of that lease. Some tenants seek additional protection by requesting leases for a term of more than one year.

When issuing a notice of termination or lease non-renewal, park operators must identify a breach of the rental agreement or

other cause as identified in the law.

Retaliatory rent increases and eviction because a tenant complains about a violation or forms a tenant union are prohibited.

When facing non-renewal or notice of termination, some tenants act promptly by writing to the operator stating their desire to sell the home and leave it on site in the park. Tenants have a legal right to sell their homes and leave them in-place in the park, if the home's condition meets the park's reasonable standards and if the buyer's credit application is approved. Tenants faced with termination or problems selling their homes in-place may telephone Consumer Protection toll-free at 1/800-422-7128.

Selling

Tenants wishing to sell their homes on site in a park should carefully review their leases for provisions outlining the landlord's specific procedures. Many leases require the tenant to inform

the landlord in writing 45 days prior to the intended closing date. Some operators require that homes pass an inspection prior to considering a prospective buyer's application for tenancy.

Once a home has passed reasonable inspection by the park operator, it is important that the seller accompany the buyer to the operator's office to request an application for tenancy.

No operator may require a tenant to designate him or anyone else as a sales agent. The operator may not solicit or receive payment or anything of value to transfer tenancy to a buyer. Also, the operator may not unreasonably restrict the sale of a tenant's mobile home.

The age of the home cannot be a consideration for allowing a mobile home to remain in a park whether or not ownership is changing.

A landlord may screen prospective tenants using lawful standards.

Legal References

Landlord-tenant relations in Wisconsin are regulated by ch. 704, Stats, and Wis. Admin. Code ch. ATCP 134, a rule administered by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

Mobile home park operator tenant relations are further regulated by Wis. Admin. Code ch. ATCP 125, another rule administered by the Department, and sec. 710.15, Stats.

Wisconsin Admin. Code ch. ATCP 125, (Mobile Home Parks) is of central importance to mobile home park tenants. It prohibits unfair business practices by mobile home park operators such as charging entrance fees or requiring the purchase of a mobile home or accessories from the operator as a condition of tenancy. This rule prohibits specific unfair lease provisions (see ATCP 125.04) and requires disclosure of rent and all other charges payable by the tenant under the rental agreement (see ATCP 125.03). Park operators are

prohibited from requiring tenants to make permanent improvements to the park or any of its facilities or assessing any separate charge for permanent improvements (see ATCP 125.09(3)).

Wisconsin Admin. Code ch. ATCP 125 and ATCP 134 were created by this department under sec. 100.20(2), Stats., and have the force of law. Violations can be prosecuted by district attorneys under sec. 100.26(3) or (6), Stats. Anyone who suffers monetary loss because of a violation may sue for double damages, court costs and reasonable attorney fees under sec. 100.20(5), Stats.

For more help

For assistance in locating a mobile home park site or information about putting a manufactured home on

your own lot, the Wisconsin Manufactured Housing Association (WMHA) may be of assistance. Their telephone number is 608/255-3131. They have directories by geographic area listing the names, addresses and phone numbers of mobile home parks. They also are aware of localities that allow placement of manufactured homes on residential lots.

The Wisconsin Department of Commerce regulates many matters relating to mobile home parks and manufactured home ownership. For more information on the required physical lay-out for mobile home parks, park maintenance, dealer complaints, titling, or to file a complaint contact:

Department of Commerce Safety and Buildings Division

Manufactured Home/ Mobile Home Unit

201 W. Washington Ave.
4th Floor
PO Box 1355
Madison, WI 53701-1355
(608/264-9596)

If you need further information or wish to file a complaint, call the Bureau of Consumer Protection:

(800) 422-7128

FAX: (608) 224-4939

TTY: (608) 224-5058

E-MAIL:

datcph hotline@datcp.state.wi.us

WEBSITE:

<http://datcp.state.wi.us/>